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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,230	07/28/2003	Vladek P. Kasperchik	100201792-1	6646

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EXAMINER

SHAH, MANISH S

ART UNIT PAPER NUMBER

2853

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

14A

Office Action Summary	Application No. 10/629,230	Applicant(s) KASPERCHIK ET AL.	
	Examiner Manish S. Shah	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8 & 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wexler (# EP 1184195 A2) in view of Wang et al. (# US 5756273).

Wexler discloses a method of printing a photographic quality image ([0033]); a method of producing a fusible print medium, wherein a fusible printing medium including a photobase layer (support) (see Abstract); a vehicle sink layer (base layer) (see Abstract); and a color receiving layer (porous top layer) (see Abstract) have a phase conversion that encapsulates a colorant in the colorant receiving layer, wherein colorant receiving layer includes core-shell polymer particle (see Abstract; [0009]) having a shell of inorganic colloidal particle ([0009]) and a core of thermoplastic polymer (see Abstract; [0009]). They also disclose that the fusible hydrophobic core is selected from the group including of a copolymer of acrylate and methacrylate, a styrene-acrylic polymer, vinyl acetate-acrylic ([0012]-[0013]). They also disclose that the colorant receiving layer is configured to invert from a porous, hydrophilic surface to a continuous layer having a hydrophobic surface upon exposure to heat, pressure or combination, and temperature

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greater than a glass transition temperature of the fusible hydrophobic core (see Examples; [0053]-[0055]).

Wexler differs from the claim of the present invention in that the colorant receiving layer including core-shell polymer particle having a hydrophilic shell and fusible hydrophobic core, wherein hydrophilic shell includes a latex vinyl polymer.

Wang et al. teaches that to get the excellent scratch resistance and abrasion resistance, the color receiving layer includes hydrophilic binder and polymer latex particles, wherein polymer latex particle includes hydrophobic core and hydrophilic shell (column: 3, line: 4-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the color-receiving layer of Wexler by the aforementioned teaching of Wang et al. in order to have a recording medium with excellent scratch resistance and abrasion resistance.

2. Claims 1-15 & 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yau et al. (# US 2003/0143344 A1) in view of Wang et al. (# US 5756273).

Yau et al. discloses a method of printing a photographic quality image ([0033]); a method of producing a fusible print medium, wherein a fusible printing medium including a photobase layer (support) ([0035]); a vehicle sink layer (ink retaining layer) ([0029]); and a color receiving layer (see Abstract) have a phase conversion that encapsulates a colorant in the colorant receiving layer, wherein colorant receiving layer includes core-shell polymer particle ([0016]) having a hydrophobic shell ([0017]-[0018]) and a fusible

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hydrophobic core ([0019]). They also disclose that the colorant receiving layer is configured to invert from a porous, hydrophilic surface to a continuous layer having a hydrophobic surface upon exposure to heat, pressure or combination, and temperature greater than a glass transition temperature of the fusible hydrophobic core ([0017]-[0018], [0029], see Examples). They also disclose that the fusible hydrophobic core is selected from the group including of a copolymer of acrylate and methacrylate, a styrene-acrylic polymer, vinyl acetate-acrylic ([0017]). They also disclose that the print medium further includes a topcoat layer ([0038]). They also disclose the method of printing including depositing ink onto a fusible printing medium to print desired image; and colorant receiving layer into a continuous hydrophobic film ([0033], [0091]-[0096]).

Yau et al. differs from the claim of the present invention in that the colorant receiving layer including core-shell polymer particle having a hydrophilic shell and fusible hydrophobic core, wherein hydrophilic shell includes a latex vinyl polymer.

Wang et al. teaches that to get the excellent scratch resistance and abrasion resistance, the color receiving layer includes hydrophilic binder and polymer latex particles, wherein polymer latex particle includes hydrophobic core and hydrophilic shell (column: 3, line: 4-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the color-receiving layer of Yau et al. by the aforementioned teaching of Wang et al. in order to have a recording medium with excellent scratch resistance and abrasion resistance.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yau et al. (# US 2003/0143344 A1) in view of Wang et al. (# US 5756273) as applied to claims 1-15 & 17-19 above, and further in view of DeWacker et al. (# US 5512619).

Yau et al. and Wang et al. discloses all the limitations of the method of ink jet printing except that the coalescing agent selected from 2,2,4-trimethyl-1,3-pentanediol monoisobutyrate, diethylene glycol monobutyl ether.

DeWacker et al. teaches that to get the continuous film coating on the medium, coalescing agent selected from 2,2,4-trimethyl-1,3-pentanediol monoisobutyrate, diethylene glycol monobutyl ether (column: 2, line: 40-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the coalescing agent in to colorant receiving layer of Yau et al. as modified by the aforementioned teaching of DeWacker et al. in order to have uniform continuous film.

Conclusion

4. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 11/22/2004 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

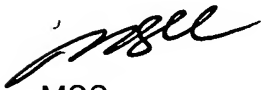
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manish S. Shah
Primary Examiner
Art Unit 2853



MSS

4/21/05